

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

IN RE: Mervyn's Holdings LLC, et al.

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John Navroth II,,	:	
	:	
Appellant,	:	
	:	
v.	:	C. A. No. 13-414
	:	
Mervyn's Holdings LLC, et al.,	:	Bankruptcy Case No. 08-11586
	:	
Appellees.	:	BAP No. 13-22

**RECOMMENDATION**

At Wilmington this **2<sup>nd</sup>** day of **April, 2013**.

WHEREAS, pursuant to paragraph 2(a) of the Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District dated September 11, 2012, a teleconference was held on for an initial review and discussion with counsel to determine the appropriateness of mediation in this matter;

WHEREAS, as a result of the above screening process, the issues involved in this case are presently not amenable to mediation and mediation at this stage would not be a productive exercise, a worthwhile use of judicial resources, nor warrant the expense of the process.

THEREFORE, IT IS RECOMMENDED that, pursuant to paragraph 2(a) Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. The parties have

been advised any objections to this Recommendation must be filed within fourteen (14) days, and are limited to no more than ten (10) pages, pursuant to 28 U.S.C. § 636(b)(1)(B), FED. R. CIV. P. 72(a) and D. DEL. LR 72.1.

Local counsel are obligated to inform out-of-state counsel of this Order.

/s/ Mary Pat Thyng  
UNITED STATES MAGISTRATE JUDGE